

## Licensing Sub-Committee

Tuesday 26 April 2016  
10.00 am

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Renata Hamvas (Chair)  
Councillor David Hubber  
Councillor Lorraine Lauder MBE

### Reserves

Councillor Sandra Rhule

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Contact

Andrew Weir on 020 7525 7222 or email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 18 April 2016



## Licensing Sub-Committee

Tuesday 26 April 2016  
10.00 am

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

### Order of Business

Item No.	Title	Page No.
<b>PART A - OPEN BUSINESS</b>		
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: BOTTLE &amp; BASKET, 187 WATERLOO ROAD, LONDON SE1 8UX</b>	1 - 47
6.	<b>LICENSING ACT 2003: QUALITY FOOD STORE, 14 - 16 PILGRIMAGE STREET, LONDON SE1 4LL</b>	48 - 83

**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT**

**PART B - CLOSED BUSINESS**

**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT**

Date: 18 April 2016

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 26 April 2016	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Bottle & Basket, 187 Waterloo Road, London SE1 8UX	
<b>Ward(s) or groups affected:</b>		Cathedrals Ward	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made under Section 51 of the Licensing Act 2003 by Trading Standards for a review of the premises licence in respect of the premises known as Bottle & Basket, 187 Waterloo Road, London SE1 8UX.
2. Notes:
  - a) The grounds for the review are stated in paragraphs 17 to 19 of this report. A copy of the review application is provided as Appendix A.
  - b) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix B.
  - c) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:

- The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
7. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 53C(8) of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are concerns regarding one or more of the four stated licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence**

8. The premises in respect of the premises licence consists of an off-licence based on the ground floor.
9. The premises licence was carried over from the justice's licence in the 2005 transition period.
10. The premises licence was transferred to the current premises licence holder on the 5 November 2010 which specified a new designated premises supervisor Mr Muhsin Sahindal.
11. On the 13 December 2011 a licence was issued to reflect a minor variation for a change in the internal layout of the premises.
12. On the 18 November 2014 a licence was issued which changed the designated premises supervisor to Mr Bektas Aksu.
13. The details of the current premises licence are as follows:
- Sale by retail of alcohol of the premises:  
Monday to Saturday 08:00 to 23:00  
Sunday 10:00 to 22:30.
14. A copy of the current premises licence is attached as Appendix B.

### **Designated premises supervisor**

15. The current designated premises supervisor (DPS) is Mr Bektas Aksu who has been the DPS of the premises since the 18 November 2014 and holds a personal licence issued by the London Borough of Enfield.
16. On the 30 March 2016 an application to change the designated premises supervisor was received by Southwark Council Licensing. This application seeks to specify Ms Gizem Derinyel as the new designated premises supervisor of the premises.

### **The review application**

17. On 10 March 2016 Trading Standards applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as Bottle & Basket UK Ltd, 187 Waterloo Road, London, SE1 8UX.
18. Trading standards seek to review the premises licence on the basis of non-compliance and failure of the premises to promote the below licensing objectives:
  - Prevention of crime and disorder:
    - Unauthorised licensable activity: Failure to comply with condition 100 by supplying alcohol when there was no DPS– Section 136 of the Licensing Act
    - Unauthorised licensable activity: Failure of DPS to ensure supply of alcohol at the premise is carried on in accordance with age verification policy – Section 136 of the Licensing Act
    - Illegal Worker in shop
    - Illegal tobacco blunts in possession for supply
    - Failure to display details of business ownership
    - Excessive sale of super strength beers/ciders to known problem drinkers
  - The protection of children from harm:
    - Unauthorised licensable activity: Failure of DPS to ensure supply of alcohol at the premise is carried on in accordance with age verification policy – Section 136 of the Licensing Act
    - Underage sale of alcohol.
19. Trading standards state they would like the committee to consider all options available to them including revocation. However trading standards recommends that if the premises licence is to remain that conditions are placed on the licence to promote the licensing objectives of crime and disorder and the protection of children from harm.
20. A copy of the application is attached to this report as Appendix A.

### **Representations from responsible authorities**

21. Two representations from responsible authorities in support of this review application have been received at the time of writing this report, from the licensing authority and the Metropolitan Police Service.
22. The licensing authority representation supports the trading standards review and highlights that the premises licence has very few conditions within the operating schedule for the control of the sale of alcohol to children, drunk persons and street drinkers who may become drunk after consuming alcohol purchased at the premises and cause crime and disorder or public nuisance in the street.

23. Licensing as a responsible authority state that an inspection was made at the premises on 19 March 2016 and found that there was no premises licence available at the premises, although the summary was displayed. Additionally a bottle opener was available behind the counter which the management of the premises claimed was for opening soft drinks only. The bottle opener was removed by the premises staff and a replacement premises licence has been obtained.
24. Licensing as a responsible authority support trading standards in their review and the conditions proposed by trading standards and recommend an additional condition that: "All off sales of alcohol shall be supplied in closed containers".
25. Additionally, licensing as a responsible authority have advised that conditions in Annex 1 of the premises licence are mandatory conditions and therefore cannot be removed, replaced or adjusted and conditions 101 and 488 should remain on the premises licence. However the additional conditions put forward by trading standards can be imposed within Annex 3 of the premises licence.
26. The Metropolitan Police Service support the trading standards review as presented. The police state that there are a number of incidents at the premises which have given cause for concern in relation to the premises dedication in promoting the licensing objectives.
27. The police state that in 2014 they received a number of complaints relating to the sale of high strength beer, lager and cider to intoxicated people and anti-social behaviour resulting from this. The police attended the premises on the 12 November 2014 in a joint inspection with Southwark Council licensing officers and detected a heavily intoxicated male lying on the pavement nearby who admitted purchasing high strength alcohol from the premises.
28. The police state that they fully support the application for review and would recommend that consideration is given to all options including the revocation of the premises licence. They also state that they would support as a minimum the conditions set out within the review application.
29. A copy of representations submitted is attached as Appendix C.

#### **Representations from other persons**

30. A representation has also been received from Councillor David Noakes in support of the trading standards review application as presented.
31. Councillor David Noakes makes reference to seeking an update from local residents in regards to the operation of the premises which he hopes he will be able to provide to the licensing committee at the review hearing on the 26 April 2016.
32. A copy of the representations is submitted as Appendix D.

#### **Operating History**

33. Three full licensing inspections were made to Bottle & Basket, 187 Waterloo Road, London SE1 8UX under the Licensing Act 2003.

34. On 28 October 2011 at 22:15, the premises was inspected and the premises licence summary (or certified copy) was not on display and the premises licence (or certified copy) was not kept at the premises in breach of Sections 57(2) & (3) of the Licensing Act 2003.
35. A warning letter was sent on 31 October 2011 and a re-visit was carried out at the premises on the 30 September 2011 and the premises was found to be compliant.
36. A second visit and inspection was conducted at the premises on the 12 November 2014 at 16:37 and the premises licence summary (or certified copy) was not on display and the premises licence (or certified copy) was not kept at the premises in breach of Sections 57(2) & (3) of the Licensing Act 2003.
37. A warning letter was sent on the 13 November 2014 and a revisit was carried out at the premises on the 18 November 2014 and the premise was found to be compliant.
38. A third visit and inspection was carried out at the premises on the 19 March 2016 at 21:35. The premises licence (or certified copy) was not available at the premises, although the summary licence was on display which was a breach of Section 57(3) of the Licensing Act 2003.
39. A warning letter was sent on the 23 March 2016 in relation to non-compliance.
40. Further visits by council licensing officers working on the night-time economy have been made and details of these visits are provided in Appendix E.

#### **The local area**

41. A map of the area is attached to this report as Appendix F. The premises is identified by a triangle at the centre of the map. For purposes of scale only the circle on the map has a 100 metre radius. The following licensed premises terminal hours are also shown on the map.

#### **Southwark council statement of licensing policy**

42. The premises is not located within a cumulative impact policy area.
43. The premises is located within the Elephant and Castle major town centre area and the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:
  - Closing time for restaurants and cafes is 00:00 on Sunday to Thursday and 01:00 on Friday and Saturday
  - Closing time for public houses, wine bars or other drinking establishments is 23:00 on Sunday to Thursday and 00:00 on Friday and Saturday
  - Closing time for hotel bars and guest houses – there are no restrictions for residents
  - Closing time for night clubs (with sui generis planning classification) is 01:00 on Monday to Thursday, 03:00 on Friday and Saturday and 00:00 on Sunday

- Closing time for off-licences and alcohol sales in grocers and supermarkets is 00:00 daily
  - Closing time for take-away establishments is 00:00 on Sunday to Thursday and 01:00 on Friday and Saturday
  - Closing time for cinemas and theatres is 02:00 daily
  - Closing time for vessels is 23:00 daily
  - Closing time for qualifying members' clubs is 02:00 daily.
44. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and Scope of the Policy - this reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications.
  - Section 5 - Determining Applications for Premises Licences and Club Premises certificates - this explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 - Local Cumulative Impact Policies - this sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
  - Section 7 - Hours of Operation - this provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 - The Prevention of Crime and Disorder - this provides general guidance on the promotion of the first licensing objective.
  - Section 9 - Public Safety – this provides general guidance on the promotion of the second licensing objective.
  - Section 10 - The Prevention of Nuisance - this provides general guidance on the promotion of the third licensing objective.
  - Section 11 - The Protection of Children from Harm - this provides general guidance on the promotion of the fourth licensing objective.
45. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

### **Resource implications**

46. There is no fee associated with this type of application.

### **Consultations**

47. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was exhibited outside the premises for a period of 10 working days.

### **Community impact statement**

48. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

49. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
50. The principles, which sub-committee members must apply, are set out below.

### **Principles for making the determination**

51. Under Section 52 of the Licensing Act 2003, the licensing authority must hold a hearing to determine the review and any relevant representations.
52. The four licensing objectives are:
- The prevention of crime and disorder
  - The protection of public safety
  - The prevention of nuisance
  - The protection of children from harm.
53. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
  - Exclude a licensable activity from the scope of the licence
  - Remove the designated premises supervisor
  - Suspend the licence for a period not exceeding three months
  - Revoke the licence.

54. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
- Are relevant to one or more of the licensing objectives
  - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
  - Have not been withdrawn
  - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
55. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
56. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
57. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
58. It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

### **Reasons**

59. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
  - The applicant
  - Any person who made relevant representations
  - The chief officer of police for the area (or each police area) in which the premises are situated.

### **Hearing procedures**

60. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority

- If given permission by the committee, question any other party.
  - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
- The committee shall disregard any information given by a party which is not relevant:
    - To the particular application before the committee, and
    - The licensing objectives.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
61. This matter relates to the review of the premises licence under section 51 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

#### **Council's multiple roles and the role of the licensing sub-committee**

62. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
63. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
64. As a quasi-judicial body, the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
65. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is

that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

66. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
67. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
68. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
69. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

#### **Guidance**

70. Members are required to have regard to the Home Office guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

#### **Strategic Director of Finance and Governance**

71. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

#### **BACKGROUND DOCUMENTS**

<b>Background papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

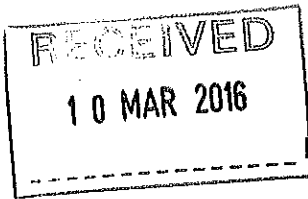
**APPENDICES**

No.	Title
Appendix A	Review application and certificate
Appendix B	Premises licence
Appendix C	Representations from the responsible authorities
Appendix D	Representation from other person
Appendix E	Council licensing night time economy visits
Appendix F	Map of area

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Richard Kalu, Licensing Enforcement Officer	
<b>Version</b>	Final	
<b>Dated</b>	13 April 2016	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	13 April 2016	

*[Insert details including name and address of licensing authority and application reference if any (optional)]*



**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Bill Masini (On behalf of Trading Standards)

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Bottle and Basket UK Ltd 187 Waterloo Road	
<b>Post town</b> London	<b>Post code (if known)</b> SE1 8UX

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
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<b>Number of premises licence or club premises certificate (if known)</b> 846721
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick.

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

I am 18 years old or over.

Please tick yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Southwark Council – Trading Standards Bill Masini Trading Standards Officer Environment and Leisure 3 <sup>rd</sup> Floor Hub 2 PO Box 64529 London SE1P 5LX
Telephone number (if any) 0207 525 2629
E-mail address (optional) bill.masini@southwark.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes.

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

**Please state the ground(s) for review (please read guidance note 1)****Prevention of Crime and disorder –**

- Unauthorised licensable activity - Failure to comply with condition 100 by supplying alcohol when there was no Designated Premises Supervisor – s136 Licensing Act
- Unauthorised licensable activity – Failure of DPS to ensure supply of alcohol at the premise is carried on in accordance with age verification policy – s136 Licensing Act
- Illegal Worker in shop
- Illegal tobacco blunts in possession for supply
- Failure to display details of business ownership
- Excessive sale of super strength beers/ciders to known problem drinkers

**The protection of children from harm -**

- Unauthorised licensable activity – Failure of DPS to ensure supply of alcohol at the premise is carried on in accordance with age verification policy – s136 Licensing Act
- Underage sale of alcohol

On 25 February 2016 Trading Standards and Police Officers from The Night Time Economy team carried out a visit to this premise for the purpose of checking compliance with the Premise Licence, Trading Standards legislation and immigration matters.

On arrival behind the counter serving customers were two males, Ferhat Cicek and the Faisal Zarref.

When asked whether the owner and/or the Designated Premises Supervisor were present, Mr Cicek said he had bought the business about a week before and they had nothing more to do with the business. He said he was paying £65,000 for the lease.

When asked if the premise licence for the alcohol had been transferred to him, he then said the sale was still with his solicitors and that he was running it on a trial basis to see if was viable and until the sale (if it was to happen) went through.

No details of the ownership of the business were displayed as required by The Companies Act. It should be noted on a visit made by the same officer on 12 September 2012 this was also missing and so the requirements were duly explained at the time. It was followed up with a letter and appropriate guidance on 19 September. An Agecheck pack was also supplied. At the time of this recent visit on 25 February, this paperwork was found untouched in a tied up bag of Bottle and Basket Limited business documentation in the basement further indicating a lack of this company's involvement in running this business.

Mr Cicek made a telephone call and asked Trading Standards to speak to a man who said he was Aydin Ciceki, a director of Bottle and Basket UK Limited. Later enquiries show he is NOT a director. On the telephone display was the name "Aydin". He said the premise was leased from Southwark Council and that he was planning to sublet it to Mr Cicek. It was pointed out to him that he needed Southwark Council's permission to do this as sub-letting was not permitted. He said Mr Cicek was running the business on a trial basis at the moment.

At the end of that telephone conversation, the officer pointed out to Mr Cicek that he needed Southwark Council's permission and there should be no money changing.

hands with the current leaseholder to secure a lease. Mr Cicek then said the money was for stock and not the lease. It was clear for all to see the stock in the shop was worth nowhere near £65,000.

Of note here, with regard to the tobacco blunts that did not comply with The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 and offered for sale behind the counter, Mr Cicek said they belonged to Aydin Ciceki, thereby once again contradicting what he had said earlier about the purchase of the stock.

Trading Standards say sales of alcohol were being made by Mr Cicek and not by the named Premise Licence Holder, Bottle and Basket UK Limited and this was in breach of the Licensing Act. It is also alleged there was no DPS as the named Designated Premises Supervisor, Bektas Aksu, had no involvement in the running of the business and was in effect absent. No DPS was there to ensure conditions on the licence were adhered to. Condition 488(2) of the licence states "The Designated Premises Supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy".

Trading Standards asked Mr Cicek what systems were in place to prevent underage sales. He had no idea about age verification systems or "Challenge 25". No training records or refused sales register were available. These had all been supplied on 19 September 2012.

The particular relevance of pursuing this matter, with regard to the prevention of underage sales was because Bottle and Basket UK Limited had made such a sale of an alcopop (WKD Original) on two months earlier on 30 June 2012 to Trading Standards' underage volunteer. The business accepted a "Simple Caution" under The Licensing Act S146(1) and Trading Standards were keen to work with the Premise Licence to prevent future sales.

Checks carried out by the Police into the status of the men working in the shop showed Mr Zareef was an "overstayer" and he was duly arrested. He was transported to the Walworth Police Station to be dealt with by UKBF (UK Border Force). He had told the Police he was not working in the shop. However, displayed behind the counter was a document entitled "Designated Premises Supervisor (DPS) Letter of Authorisation" dated 15<sup>th</sup> November 2014 and signed by Bektas Aksu, (the named DPS). He had given an authorisation for Faisal Zareef to sell alcohol some 15

months before the recent visit on 25 February 2015.

There was no specific authorisation for Farhat Cicek but he presented a Personal Licence issued by The London Borough of Enfield.

Trading Standards spoke to Bektas Aksu, the named DPS, on 26 February 2016 who seemed to think he owned the business.

Company House checks show Aydin Cicekli resigned as a director of Bottle and Basket UK Limited on 19 December 2011. As at 26 February 2016, the sole director of that company was Riza Cicekli. Southwark Council records show the current food business operator for the business is Aydin Cicekli and has been since 19<sup>th</sup> July 2011. It is a requirement under The Food Safety Act to register all food premises with the Local Authority.

During the time of the visit, a customer with a clear alcohol dependency problem purchased 5 cans of super strength cider (7.5% ABV) for £6. He had intended also buying a sixth can of Special Brew (9% ABV) but did not have enough money on him. This made a total of 23.5 units of alcohol in one potential transaction. When Mr Cicek was spoken to after the man had left he said the man was a regular who frequented the shop for such a purchase at least once a day, every day. To give some context to this it could equate to in excess of 200 units a week; massively over the Government recommended safe drinking levels. Both Trading Standards and the Police at the time of the visit were concerned about the complacency Mr Cicek had in selling such large quantities of super strength beers/ciders on such a regular basis without any thought given to possible consequences or concerns for the drinker and others affected by this.

Trading Standards say this casual manner in which this business is run is of concern to how the licensing objectives can be complied with.

On 26 February 2016, Trading Standards wrote to the named Premise Licence Holder and the Designated Premises Supervisor asking them to engage with Trading Standards to clarify ownership and to ensure licences/registrations were in the correct names. There has been no response.

The sub-committee is invited to consider all options open to it including revocation.

The conditions on the licence are very sparse. In the event the licence is not revoked Trading Standards, would like to see more detailed conditions on it. Trading Standards recommend condition 488 be removed.

In its place Trading Standards would like the following conditions to be added to the licence:

- 1. Condition 4AA The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.
- 2. Condition 4AB. All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.
- 3. Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required
- 4. Condition 4AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, The Designated Premises Supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police
- 5. That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.
- 6. There shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales

- 7. No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises
- 8. That an approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a minimum of 31 days recording facility and will be maintained in full working order at all times and be continually recording at all times the premise is in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premise. All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to The Police and/or Authorised Officers from Southwark Council
- 9. All staff working at the premise shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate request by Police and/or Authorised Officers from Southwark Council
- 10 Amend condition 101 to read: "Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence. That authorisation must also be in writing and displayed on the premise adjacent to the display of the Licence Summary where the Police or the Council's authorised officers can inspect it.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

**If you have made representations before relating to this premises please state what they were and when you made them**

[Empty response box for representations]

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 10 March 2016

Capacity Trading Standards officer acting on behalf of Southwark Council

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

# Licensing Act 2003 Premises Licence

22

## APPENDIX B



Environmental Health & Trading Standards  
Licensing Unit  
Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

**Premises licence number**

851733

### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Bottle & Basket 187 Waterloo Road London SE1 8UX	
Ordnance survey map reference (if applicable), 179673531436	
<b>Post town</b> London	<b>Post code</b> SE1 8UX
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b>
--

<b>Licensable activities authorised by the licence</b>
Sale by retail of alcohol to be consumed off premises

<b>The opening hours of the premises</b>
For any non standard timings see <b>Annex 2</b>

<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies</b>
Sale by retail of alcohol to be consumed off premises

<b>The times the licence authorises the carrying out of licensable activities</b>
For any non standard timings see Annex 2 of the full premises licence
<b>Sale by retail of alcohol to be consumed off premises</b>
Monday            08:00 - 23:00
Tuesday           08:00 - 23:00
Wednesday       08:00 - 23:00
Thursday          08:00 - 23:00
Friday             08:00 - 23:00
Saturday           08:00 - 23:00
Sunday             10:00 - 22:30

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Bottle & Basket UK Ltd  
187 Waterloo Road  
London  
SE1 8UX  
[REDACTED]

**Registered number of holder, for example company number, charity number (where applicable)****Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Gizam Derinyer  
[REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence No. LN/201500102  
Authority L.B. Enfield

Licence Issue date 30/03/2016

[REDACTED]  
Head of Regulatory Services  
Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
[licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

## Annex 1 - Mandatory conditions

**100** No supply of alcohol may be made under the Premises Licence -

- a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

**101** Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

**488** (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

**491** 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the operating Schedule**

**124** Alcohol shall not be sold or supplied except during the permitted hours. In this condition the permitted hours means:

- a. On weekdays, other than Christmas Day, 8.00.a.m. to 11.00.p.m.
- b. On Sundays, other than Christmas Day, 10.00.a.m. to 10.30.p.m.
- c. On Christmas day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- d. On Good Friday, 8.00.a.m. to 10.30.p.m.

The above restrictions do not prohibit:

- i) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel
- ii) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- iii) The sale of alcohol to a trader or club for the purposes of the trade or club ;
- iv) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces .

**125** Alcohol shall not be sold in an open container or be consumed in the licensed premises.

**127** Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- c. To a canteen or mess.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

**Annex 4 - Plans - Attached**

Licence No. 851733

Plan No. PL210535-01

Plan Date 29.09.2010



The Licensing Unit  
 Floor 3  
 160 Tooley Street  
 London  
 SE1 2QH

**Metropolitan Police Service**  
**Licensing Office**  
 Southwark Police Station,  
 323 Borough High Street,  
 LONDON,  
 SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21/2704 /15

**Date:** 7th April 2016

**Re:- Bottle & Basket, 187 Waterloo Road, London, SE1 8UX**

Dear Sir/Madam

Police are in possession of an application from the Southwark's Trading Standards Service for a review of the above premises licence under Section 51 of the licensing act 2003.

Police have the following comments to make:

The application details a number of incidents that give me cause for concern in relation to the premises and their dedication to promoting the licensing objectives.

The trading standards have found fault with the operation of the premises, and they appear to have continued with the unsatisfactory operation and have continued to commit offences under trading standards and licensing legislation.

In 2014 we received a number on complaints relating to the sale of high strength Beer, lager and cider to intoxicated people and anti social behaviour resulting from this. I attended the venue on the 12th November 2014 in the company of a Southwark council licensing officer where we found an extremely intoxicated male lying on the pavement nearby who admitted purchasing alcohol from the premises. I have attached a full statement relating to this incident, a copy of the warning letter delivered to the premises and the voluntary agreement requesting the premises stop selling super strength beers, lagers and ciders. The premises verbally agreed that they would sign and return the agreement but failed to comply.

The Police fully support the application for review and would also recommend that the consideration be given to all options including the revocation of the premises licence. We would support as a minimum the conditions set out within the Review application

The Following is submitted for your consideration,  
 Yours Sincerely

**PC Graham White 288MD**  
 Southwark Police Licensing Unit  
 Tel: 0207 232 6756

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC Graham White 288MD** ..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 192581** .....

This statement (consisting of: .... **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if I make a false statement, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false,


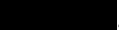
Signature: .....  ..... Date: 13th November 2014 .....


Tick if witness evidence is visually recorded  (supply witness details on rear)

I am Police Constable Graham White and I have worked for the Metropolitan Police Service for over 23 years. For the past two and a half years I have been in post as the Licensing Officer for Southwark Borough Police, dealing with all the licensed premises across Southwark borough. My role involves proactive patrols of these premises, offering help and reassurance to both patrons and management, as well as ensuring premises fully uphold the licensing objectives.

On the 20th October 2014 I attended a meeting for the Waterloo business group. At this meeting it was brought to my attention the problem with street drinkers and intoxicated people in the area of Waterloo road and Blackfriars road and it was alleged that they were getting the alcohol from Bottle and basket off licence. I was informed that all the premises on Lambeth had entered into a voluntary agreement re restrictions in the sale of high strength alcohol to stop anti social behaviour in the area and that due to this they were attending the Bottle and basket on Southwark as the border between boroughs is the middle of Waterloo road.

On the 10th November 2014 I received an email from Kristie Ashenden from Southwark council Licensing unit asking if I was available to attend Bottle and Basket, 187 Waterloo road, London SE1 8UX re complaints they had received. The complaint was included in the email and was from a local residence association complaining about groups of people attending local drop in centres then buying alcohol from the Bottle and basket and consume it to the rear of the premises. They stand around in large groups intimidating local residence become intoxicated and urinate and defecate around the area.

On Wednesday the 12th November 2014 I attended Waterloo road are in the company of Kristie Ashenden from Southwark Council to visit the premises a discuss the problems and complaints re the sale of alcohol from the premises. We pulled into Gray street from Waterloo road and I noticed a male who I now know to be  a white male about 20 years old sitting in the loading bay for the Hampton Hilton Hotel. He had the appearance of a homeless person as he had what appeared to be his belongings with him. He was drinking a can of Tennants Super lager which has an ABV of 9%. I approached  and introduced myself to him showing him my warrant card as I was in plain clothes. At this point I

Signature: .....  ..... Signature witnessed by: .....

Continuation of Statement of **PC Graham White 288MD** .....

noticed another unopened can of Super tenants in a plastic bag. I asked him his name and date of birth and confirmed he was of no fixed address. He was slurring his words, his eyes were glazed he was drunk. I asked him where he had purchased the alcohol from and he pointed at Bottle and Basket which was only about 50 yards away and said "there" I asked him how long ago and he said "not long"

Kristie Ashenden and my self then attended the premises arriving at 16.45hrs. We walked around the premises and I noticed that the cooler containing all the beers, ciders and lagers was fully stocked except for the area in the bottom right corner that all the Super strength cans. It was half empty indicating that they had sold a considerable amount of super strength. In my experience as a licensing officer and Police officer with over 20 years experience these types of alcoholic drinks are only drunk by alcohol dependent people that require this alcohol content to become intoxicated. We approached the counter of the store and introduced myself showing my Police warrant card as identification to a male behind the counter who gave his name as [REDACTED] I asked if he was the manager or if not who was. He explained that the manager was not there. He phoned a male who I spoke to on the phone who identified himself as the manager [REDACTED] and I obtained the phone number [REDACTED] I explained to him the reason for my visit and asked if it was possible for him to attend the premises and he declined stating that he was in Essex. I then asked if the Designated Premises Supervisor (DPS) Muhsin Sahindal was available to speak to or attend the premises. [REDACTED] became evasive about Sahindal's whereabouts and changed the subject. Mr Cicekli became quite obstructive on the phone when I tried to discuss the sale to intoxicated people and street drinkers saying it was only an offence if they were drunk and he could sell to them if they were not. I pointed out that selling to them in the knowledge that they would get drunk and then cause anti social behaviour and crime and disorder was not fully supporting and upholding the licensing objectives. He kept saying that they had done nothing wrong I explained the facts of what had just happened prior to my arrival at the premises with the male outside and he just denied it was them. I was not getting any where in the conversation so I informed him I would leave a letter and agreement for him to consider and to contact him when he had. I then terminate the call.

I then carried out a licensing inspection on the premises speaking to [REDACTED] During this I asked about the DPS and he said he did not really know him and had not seen him in six months. I asked how he had been authorised to sell alcohol and he did not know what I was talking about. I asked who had authorised him to sell alcohol to which he just shrugged his shoulders. I had witnessed him selling one can of Fosters lager whilst I was speaking to him to a black male about 30 years old. I asked him if he had written authorisation to sell alcohol to which he replied "No" I then asked the same questions to the other male behind the counter [REDACTED] who gave a similar response. I pointed out to both of them that they should not be selling alcohol with out being authorised by the DPS. I handed Mr [REDACTED] a copy of a warning letter address to the DPS and the premises I also handed him a Voluntary agreement requesting the premises stop selling beers, ciders and lagers above 7% due to the previous sales and problems the premises is causing. We then left the premise [REDACTED]

Signature: ..... Signature witnessed by: .....

RESTRICTED


**METROPOLITAN  
POLICE**
**TOTAL POLICING**

Form 695

**Licensing Act 2003 - Record of Visit to Licensed Premises**

Details			
Name of Premises:	Bottle and Basket		
Address of Premises:	187 Waterloo Road, London SE1 8UX		
Premises Type / Event:	off licence		
Date of Visit:	12/11/14	Time Of Visit:	16.45hrs

Officers in Attendance			
1.	PC Graham White	CAD Reference:	
2.	Krishe Ashenden (Southwark Council)	CRIS Reference:	
3.		CRIMINIT Reference:	
4.			

Premises Details	
Is the Premises Licence Summary displayed and correct?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the Designated Premises Supervisor (DPS) present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Record details of DPS personal Licence (include full name, issuing authority and lic No.)	
DPS Contact No.:	Not known
If No DPS is present provide details of person in charge:	[REDACTED]
Record details of personal Licence (include full name, issuing authority and lic No.)	
was not present spoke on phone [REDACTED] MR [REDACTED] was member of staff	
Is the full premises Licence or an endorsed copy available?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
What is the capacity of the premises if shown on premises licence?	N/A.
How many persons present (rough headcount)?	2
What process is used to record customer numbers (clicker, tickets head count etc)?	N/A



## RESTRICTED

**Toilets and public areas****Toilets**

Are the toilets regularly checked by staff?

Yes  No 

Is there a Toilet attendant?

Yes  No 

Are the toilets covered by CCTV?

Yes  No 

Are the toilets and environs well maintained?

Yes  No 

Is there any evidence of drugs use in this area?

If yes detail evidence (drugs paraphernalia, or evidence obtained from drugs swipes or drugs itemiser)

Yes  No 

NA

**Smoking area:**

Is there a designated smoking area?

Yes  No 

Is it covered by CCTV?

Yes  No 

Is it controlled by staff?

Yes  No 

Is there a re-entry search policy?

Yes  No **Public areas:**

Is the ambient lighting in public areas adequate?

Yes  No 

Is there a VIP area?

Yes  No 

Does CCTV cover public areas and dancefloor?

Yes  No 

Do staff regularly clear glassware?

Yes  No 

Does the premises use plastic drinkware?

Yes  No 

Is there a cloakroom?

Yes  No 

Does the premises have a Medical facility/room?

Yes  No 

What percentage of the premises is given over to seating and tables?

%

**Premises Staff**

How many staff are on duty?

2

How many Personal Licence Holders on site?

0

Are staff training records available?

Yes  No 

Is there a trained first aider on duty?

Yes  No 

General attitude of staff

Helpful  Unhelpful  Obstructive  Other

## RESTRICTED

**Actions**

Have any breaches in licensing conditions been identified?

Yes  No **Details of breaches**

Incorrect Licence Summary Displayed. did not have copy of full licence

Section 19 (Police and Criminal Justice Act 2001) Closure notice issued?

Yes  No 

Is an action plan required as a result of this visit?

Yes  No 

Is a warning letter required as a result of this visit?

Yes  No 

Detail grounds for action plan and or warning letter?

warning letter issued to premises at time re complaints of sale of alcohol to intoxicated people. Voluntary agreement left to be considered re sale of alcohol to street drinkers

Are there other offences or issues relevant to partner agencies (ie fire, environmental health, HM Customs and Excise, Etc).

Appropriate Agency: **NO****Details:**

Details of whom referral passed to

Does the premises require a further visit?

Yes  No 

By what date should this visit be completed

NA.

**General Notes**

Council to deal with licence and possible PPS issues. statements by PC while completed re street approach and possible reviews of premises licence

Further action by Licensing Office



Mr Muhin Sahindal  
 Bottle & Basket UK Ltd  
 187 Waterloo Road  
 London  
 SE1 8UX

**Metropolitan Police Service**  
**Licensing Office**  
 Southwark Police Station,  
 323 Borough High Street,  
 LONDON,  
 SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21/ /14

**Date:** 11th November 2014

**Re:- Bottle & Basket, 187 Waterloo Road, London SE1 8UX**

Dear Muhsin Sahindal

We have received a number of complaints relating to the above premises for which you are shown as the designated premises supervisor. The complaints regard to your customers having been served Alcohol whilst intoxicated and then involved in Anti-social behaviour in the surrounding area. Having sold alcohol to intoxicated people you have committed the following offence under the Licensing Act 2003.

- Section 141 of the Licensing Act 2003 makes it an offence to sell or attempt to sell alcohol to a person who is drunk, or to allow alcohol to be sold to such a person, on relevant premises.

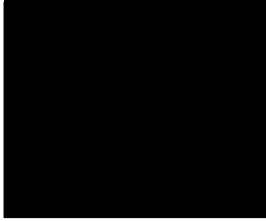
It is vital for well-run premises to adhere to the conditions listed on the Premises Licence and the responsibilities under the Licensing Act. This responsibility lies with the Designated Premises Supervisor and the Premises Licence holder to ensure compliance.

I have visited the premises with a voluntary agreement and relevant notices to restrict the sale of high strength alcohol from your premises. We will also be visiting other Licence premises in the area with the same agreement in an attempt to stop the sale to Intoxicated and alcohol dependent groups of people that then congregating in the local area drinking and causing a public nuisance to the local residence.

If further evidence of such offences are brought to the attention of this or Southwark Council Licensing unit then formal action may be required when either a revocation of the licence or strict conditions placed on the licence to uphold the Licensing objectives

If you require further information then please contact me on the number shown below.

Yours Sincerely



**PC Graham White 288MD**  
Southwark Police Licensing Unit  
Tel: 0207 232 66756  
Mob: 07595 011458



**Metropolitan Police Service**  
**Licensing Office**  
Southwark Police Station,  
323 Borough High Street,  
LONDON,  
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21/14

**Date:**

**Re:- Sale of High strength Beers, Lagers and Ciders**

Dear Licence holder/Designated Premises Supervisor

We have received a number of complaints relating to premises in the local vicinity. The complaints regard to your customers having been served Alcohol whilst intoxicated and then involved in Anti-social behaviour in the surrounding area. Having sold alcohol to intoxicated people you have committed the following offence under the Licensing Act 2003.

- Section 141 of the Licensing Act 2003 makes it an offence to sell or attempt to sell alcohol to a person who is drunk, or to allow alcohol to be sold to such a person, on relevant premises.

It is vital for well-run premises to adhere to the conditions listed on the Premises Licence and the responsibilities under the Licensing Act. This responsibility lies with the Designated Premises Supervisor and the Premises Licence holder to ensure compliance.

I have visited your premises today with a voluntary agreement and relevant notices to restrict the sale of high strength alcohol from your premises. We will also be visiting other Licence premises in the area with the same agreement in an attempt to stop the sale to Intoxicated and alcohol dependent groups of people that then congregating in the local area drinking and causing a public nuisance to the local residence.

If evidence of such offences are brought to the attention of this or Southwark Council Licensing unit then formal action may be required when either a revocation of the licence or strict conditions placed on the licence to uphold the Licensing objectives

If you require further information then please contact me on the number shown below and I will return to collect and discuss the above voluntary agreement in the next few weeks.

Yours Sincerely

**PC Graham White 288MD**  
Southwark Police Licensing Unit  
Tel: 0207 232 66756  
Mob: 07595 011458

## RESPONSIBLE BUSINESS AGREEMENT

**THIS AGREEMENT IS MADE BETWEEN**

\_\_\_\_\_, **Southwark Council**  
**and the Metropolitan Police on \_\_\_\_\_ and**  
**will last for a minimum of six months.**

**Designated Premises Supervisor/Proprietor:**

**Premises address:**

**I agree I will:-**

1. Not to sell any bottles or cans of beer, larger or cider with an ABV above 7%.
2. Not serve 2 litre plastic bottles of cider.
3. Will not serve any known street drinkers, or anyone who appears to be under the influence and display signs advising customers of this.
4. Monitor and report issues of Anti Social Behaviour (ASB) related to street drinking to the Council's ASB Reporting Line on 020 7525 500 or the Police non-emergency number 101.
5. Ensure that ALL staff are advised of the content of this agreement and adhere to the instructions.
6. After the expiry date (as stated above), continue to work with the Local Authority and Police to reduce Anti Social Behaviour, including street drinking.

**To help the above complete the Responsible Retailers Agreement successfully, the representatives of the various agencies and organisations agree to provide the following help and support**

**We agree we will:-**

1. Provide the relevant signage advising your patrons that you are working with the Local Authority and the Police to tackle alcohol related Anti-Social Behaviour in the area.
2. Utilise tools available to us to tackle issues that you have brought to our attention regarding specific individuals.
3. Monitor and review this agreement on a regular basis as agreed below.

I understand that by signing this document I am entering into an agreement between Southwark Council and the Police to undertake responsibility for my businesses part in the above project.

Although I understand the Agreement is voluntary, if I breach any of the above prohibitions, Lambeth Council and/or the Police may take steps against me and my business which may include a premises license review.

**RRA Review Meetings**

Date	Location

**Final Review**

--	--

I confirm that I understand the meaning of this agreement and the consequences of a failure to comply have been explained to me.

Signed ..... Date .....

( )

Signed..... Date .....

( )

Signed..... Date .....

( )

Signed .....Date.....

( )



# **Warning**

**It is a criminal offence to sell alcohol to someone who is or appears to be under the influence of alcohol.**

**We have agreed with Southwark Police & Local Authority Licensing we will not sell beers, lagers and ciders above 7% ABV.**

**We have the full support of the local Police and Southwark's Trading Standards & Licensing teams.**



## MEMO: Licensing Unit

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**To** Licensing **Date** 04 April 2016

**Copies**

**From** David Franklin **Telephone** 020 7525 5800

**Email** [david.franklin@southwark.gov.uk](mailto:david.franklin@southwark.gov.uk)

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**Subject** **Bottle & Basket, 187 Waterloo Road, London, SE1 8UX**

I make this representation with regards to the review application of the premises licence submitted by the Trading Standards for Bottle & Basket, 187 Waterloo Road, London, SE1 8UX.

My representation is based on the licensing objectives for the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm.

The premises licence has very few conditions within the operating schedule for the control of the sale of alcohol to children, drunk persons and street drinkers who may become drunk after consuming alcohol purchased at the premises and cause crime and disorder or public nuisance in the street.

An inspection was made at the premises on 19 March 2016 and found that there was no premises licence available at the premises, although the summary was displayed. Additionally a bottle opener was available behind the counter which the management of the premises claimed was for opening soft drinks only.

The bottle opener was removed by the premises staff and a replacement premises licence has been obtained.

There has been one complaint in 2015 that the premises had sold a single can of beer to a street drinker who then went into Ufford Street Park and allegedly made a nuisance of himself.

I would support the Trading Standards in their review and the conditions offered and recommend an additional condition that;

“All off sales of alcohol shall be supplied in closed containers”

Additionally I would advise that conditions in Annex 1 of the premises licence are mandatory conditions and therefore cannot be removed, replaced or adjusted and conditions 101 and 488 should remain on the premises licence. However the additional conditions put forward by Trading Standards can be imposed within Annex 3 of the premises licence.

David Franklin  
Licensing Authority as a Responsible Authority

From: Noakes, David  
Sent: Thursday, April 07, 2016 5:20 PM  
To: Regen, Licensing  
Subject: Bottle and Basket 187 Waterloo Road Review - 851589

Dear Licensing,

Bottle and Basket 187 Waterloo Road Review - 851589

I would like to make representations about the review of the Bottle and Basket, 187 Waterloo Road, London SE1 8UX on the grounds stated in the review and on the basis of previous concerns that have been raised with me in my capacity as a ward councillor by my constituents.

These include some of the concerns that Trading Standards have raised in their review

- that the premises is associated with crime and disorder
- that known street drinkers are being served and congregating outside the premises
- that the premises is irresponsibly selling high strength lagers/ciders

These concerns predominantly relate to 2014 and 2015 but I have asked local residents for an update, which I hope to be in a position to speak about at the Council's Licensing Sub-Committee.

Councillor David Noakes  
Liberal Democrat Councillor for Cathedrals Ward  
Deputy Leader of Southwark Liberal Democrat Council Group  
Opposition Spokesperson for Health  
Vice Chair of Healthy Communities Scrutiny Sub Committee

Tel. no. [REDACTED]

E-mail [REDACTED]

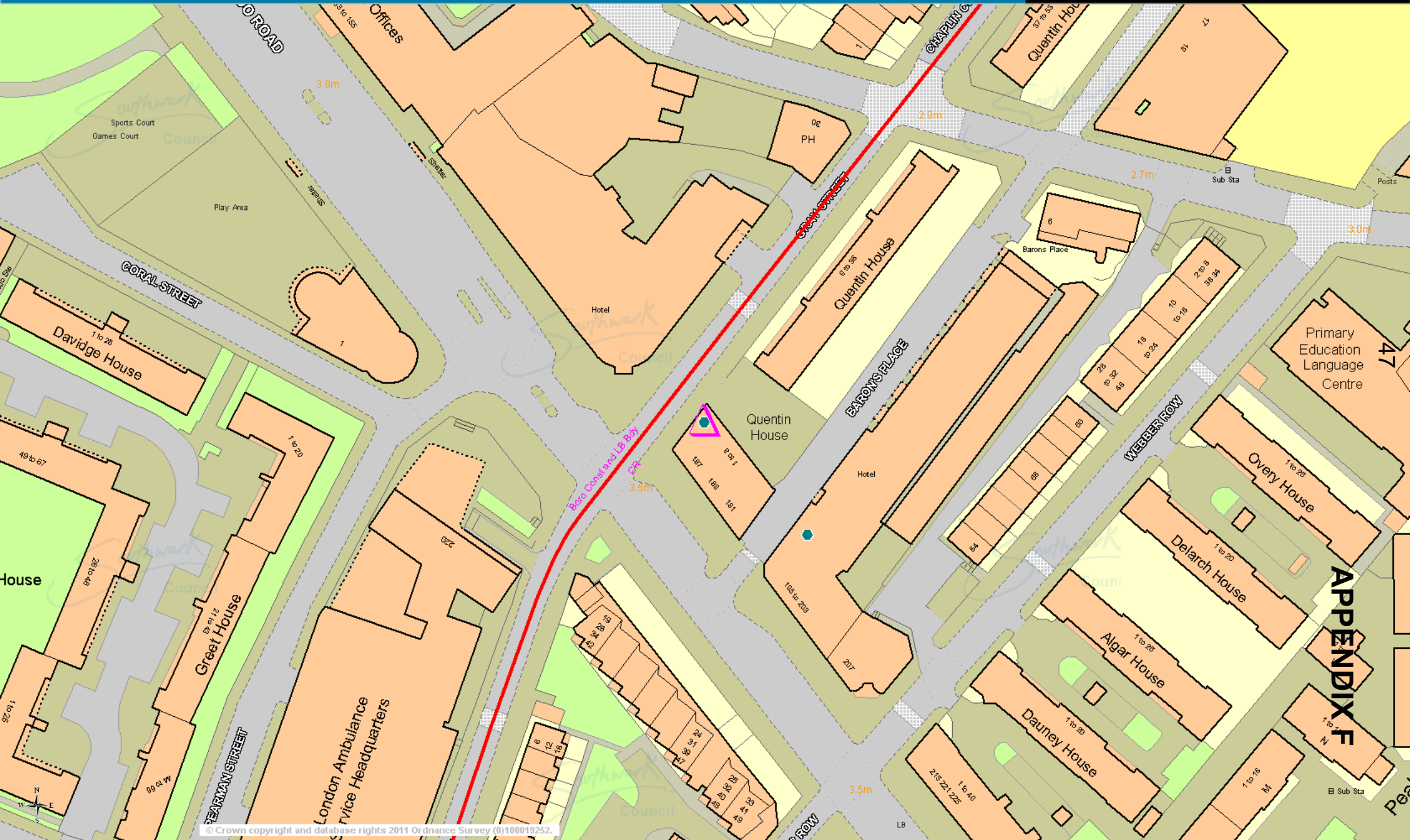
**APPENDIX E**

date	desc	officer	name	address	text
01/05/2012	Visit To Premises	WM	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	1/ 5/2012 13:01 WJMI visited the premises with PCs Clements, White, Osborne and PCSO Norman. We spoke to an IC2 male who identified himself as [REDACTED] and stated that he was the store manager. We advised RC not to sell alcohol to intoxicated persons and street drinkers. PC Osborne advised that it may be beneficial to stop selling high alcohol beers and ciders, [REDACTED] stated that he would consider this but that it may make the store less competitive than its rivals. I advised of the possible consequences of breaching the LA2003 or the conditions of the PL. I advised [REDACTED] to make sure he understands the T&Cs of the licence and to make sure that any staff employed at the premises do too. I advised [REDACTED] that unannounced inspections are undertaken by the Licensing Unit and that the area is being monitored. PC Osborne explained that SNT officers will also be entering off-licences in plain clothes from time to time.
12/11/2014	Visit To Premises with PC White	KA	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	We came across [REDACTED] at the rear of Hampton by Hilton, corner of Waterloo Rd at 16:09hrs. He had 2 cans of Tennants Super, and when asked, said that he had just purchased the mat Bottle & Basket. He appeared to be very intoxicated. At 16:15 we parked in Morley St (Lambeth) and observed Bottle &Basket. At 16:37hrs we went into the shop and saw that they sell the following ciders that are appealing to street population:* K Cider 8.4%* Tennants Super 9%* Skol Super 9%* Special Brew 9%* Kestrel Super 9%Spoke to [REDACTED] who did not know where the DPS was. Handed over warning letter and agreement for business to sign. [REDACTED] called his boss, [REDACTED] who was in Essex and therefore not available to come to the shop. Neither [REDACTED] nor his colleague, [REDACTED], had a personal licence or any evidence of authorisation from the DPS. In fact, [REDACTED] said he hadn't seen the DPS for over 6 months. They had some pages of the summary and premises licence on display, however these were from an earlier date to the current licence, therefore they did not have the current premises licence summary on display, nor did they have the current premises licence at the premises. We left the premises at 16:58hrs and as we were walking to the car we could see [REDACTED] [REDACTED] was passed out at the rear of the Hampton by Hilton.
13/11/2014	Visit To Premises with PC Clements & Sgt Dempster	KA	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	Visited premises to advise staff of no DPS. Therefore unable to sell alcohol (or display it). Advised staff to cover alcohol until able tosell again. See next entry for further details.
14/11/2014	Visit To Premises	KA	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	Visited with PC Clements and Sgt Dempster - see entry against licence

17/11/2014	Visit To Premises with PC White	KA	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	Visited premises with PC Graham White to return incorrectly filled out DPS variation and transfer forms - these have been rejected. Spoke to [REDACTED] who was very aggressive and shouting at us. Did not give us an opportunity to explain how to rectify situation. Left blank DPS and transfer forms at the premises.
18/11/2014	Re-visit - all OK, new DPS	KA	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	Re-visit - all OK, new DPS
12/06/2015	20:50 NTE Visit MAD & FRC	MO	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	Monitored premises due to reports of serving street drinkers and street drinkers. No sign of street drinkers, two customers talking outside the premises only. Entered premises and spoke with supervisor [REDACTED] and advised him to use a refusal log to ensure full compliance with an age verification policy and to prove if questioned that the premises does check ID. He stated that sometimes when refusing sales the customers can react in an abusive manner and it can be quite confrontational. I advised that when a customer like that has been refused on a couple of occasions then they are unlikely to return unless they improve their behaviour. No issues and CCTV in operation.
19/03/2016	21:35 NTE Visit	JT	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	21:35 on 19/3/2016 JMT & COT at Bottle & Basket, 187 Waterloo Road, London, SE1 8UX. Carried out an inspection assisted by [REDACTED]. Full licence not available at the premises, summary was on display. Mr Deringer told me that the police had been there and told him that the incorrect licence number was on the summary that he had displayed. I checked the number and it was correct. I told him that the licence number was correct on the summary – but that it was an offence not to have the full licence at the premises. I explained that the DPS or licensee needed to write to the licensing unit with a cheque for £10.50 to obtain a new copy. There was an authorisation on display from the DPS for staff selling alcohol. Took photo. Gave advice re not serving street drinkers or drunk people. I asked if he opened bottles for people and he said yes but only for soft drinks. I asked if he had a bottle opener behind the counter and he said yes and showed it to me. I told him that it could be construed that he was opening bottles of beer for people. He said that he does not do that. I then advised him to get rid of the can opener. He threw the can opener in the bin. He explained that the licensee was in Turkey and I explained that he could not defend the review without written authorisation from the licensee. He said that he had instructed a solicitor to sort everything out. – warning letter to follow.

# Bottle & Basket 187 Waterloo Road

Date 12/4/2016



APPENDIX F

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 26 April 2016	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Quality Food Store, 14 - 16 Pilgrimage Street, London SE1 4LL	
<b>Ward(s) or groups affected:</b>		Chaucer	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made on behalf of Southwark Trading Standards under Section 51 of the Licensing Act 2003 for a review of the premises licence held by Balbir Singh Kapoor in respect of the premises known as the Quality Food Store Ltd, 14 - 16 Pilgrimage Street, London SE1 4LL.
2. Notes:
  - a) The grounds for the review are stated in paragraph 14 of this report. A copy of the full premises licence review application is provided at Appendix A.
  - b) The application for review of the premises licence is supported by two further responsible authorities. Copies of the further representations are provided at Appendix B. Details are provided in paragraphs 18 – 21 of this report.
  - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix C.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder

- The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:
- The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
7. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence**

9. The Quality Food Store at 14 - 16 Pilgrimage Street, SE1, operates as a grocers / convenience store. It is licensed for the retail sale of alcohol to be consumed off the premises by way of a premises licence issued to Balbir Singh Kapoor.
10. The licensed operating hours of the premises are as follows:
- Opening hours  
Monday to Friday from 07:00 to 23:30  
Saturday and Sunday from 08:00 to 23:30
  - Licensed hours for the retail sale of alcohol for consumption off the premises  
Monday to Friday from 07.00 to 23.30  
Saturday and Sunday from 08.00 to 23.30
11. The licence is subject to the mandatory conditions set down under the Act together with a range of further conditions consistent with the operating schedule provided. A copy of the full premises licence is provided for information at Appendix C.

### **Designated premises supervisor (DPS)**

12. The current designated premises supervisor (DPS) named on the licence is Amarjit Kapur. Mr Kapur was added to the premises licence as DPS in September 2015. Mr Kapur holds a personal licence issued by the London Borough of Hounslow.

### **The review application**

13. On 10 March 2016, an application was made on behalf of Southwark Trading Standards under Section 51 of the Licensing Act 2003, for a review of the premises licence held by Balbir Singh Kapoor in respect of the premises known as the Quality Food Store Ltd, 14 - 16 Pilgrimage Street, London SE1 4LL.
14. The stated grounds for review of the licence range across three of the four licensing objectives (the prevention of crime and disorder / public safety / the protection of children from harm. These concern:
  - The offer for sale of 'counterfeit' tobacco
  - The offer for sale of 'non duty paid' (smuggled) tobacco
  - Underage sale of alcohol
  - Failure to comply with licence conditions:
    - Prohibiting sales of alcohol when no DPS is in place
    - Requiring CCTV provision at the premises
    - Requiring an age verification / Challenge 25 policy to be operated
    - Requiring staff to be trained in the age verification scheme with records kept
    - Requiring an up to date register of refused sales to be maintained
    - Requiring signage to be displayed with regard to the Challenge 25 policy
  - Food offered for sale with the use by date exceeded.
15. Full details are provided within the copy of the application for the premises licence review provided at Appendix A.
16. The application invites the sub-committee to consider all options open to it, including the revocation of the licence.
17. In the event that the sub-committee decides on another option a number of amendments to the current licence conditions are proposed across pages 10 to 11 of Appendix A.

### **Representations from responsible authorities**

18. The application has been advertised in accordance with normal procedures. Two further representations from responsible authorities have been received from the Metropolitan Police Service and the licensing officer representing the council as a responsible authority. A copy of each of the representations is provided at Appendix B.
19. The police representation fully supports the application for review citing other instances when the CCTV required to be in operation at the premises has not been available, hindering police investigations on at least one occasion.
20. The police representation recommends that consideration be given to all options including the revocation of the premises licence due to continual breach of the

licence. The police representation supports, as a minimum, the conditions set out within the trading standards review application.

21. The licensing responsible authority officer representation also supports the application for review and refers to a warning given in August 2014 for alleged sales of alcohol to intoxicated persons. The responsible authority officer recommends that, if the sub-committee were minded to allow the licence to continue, then the conditions of the premises licence should be amended as set out within the trading standards review application.

### **Representations from other persons**

22. There are no representations from other persons.

### **Operating History**

23. On 27 September 2005, at the onset of the Licensing Act 2003, an application was made by Harminder Singh Ahuja for a new premises licence in respect of the Quality Food Store, 14-16 Pilgrimage Street, London SE1, seeking authority to supply alcohol for consumption off the premises from 07:00 to 21:00 on Monday to Friday and from 09:00 to 21:00 on Saturday and Sunday. The application was unopposed and duly issued. However, at the time the application was made no person at the premises held a personal licence and so the licence was issued with alcohol sales prohibited until such time as a qualified person had been put forward.
24. On 2 October 2006, an application was received to vary the premises licence to specify an individual as DPS. The application sought to install Bilbir Singh Kapoor the position. Mr Kapoor held a personal licence issued by Ealing Council. This application was approved.
25. However, such applications should be made by the premises licence holder. This application was completed by Mr Kapoor himself and stated that he held the premises licence. Although no application to transfer the licence had been submitted, when the revised licence was issued it was made out in the name of Mr Kapoor and indicated Mr Kapoor acted as designated premises supervisor also. Mr Kapoor remains upon the licence, as licence holder, today.
26. The first programmed inspection of the premises took place on 19 September 2008. Officers found that the DPS was not available at the time of the visit. No copy of the licence or summary was on display. No fire exit signage was in place. Advice was provided to the licensee.
27. The next programmed inspection of the premises took place on 27 January 2010. The officer found that the DPS was not available at the time of the visit. The officer met with a member of staff who gave his name as Bitu Singh. A copy of the summary of the licence was available but not the licence. No fire risk assessment was available on site. Again advice was provided.
28. On 1 November 2010 an application was made by Balbir Singh Kapoor to vary the premises licence by extending the hours for the supply of alcohol. This was initially opposed by the council's trading standards service but eventually conciliated with the additional hours granted subject to extra conditions introducing 'Challenge 25' under the premises age verification scheme. The new hours for the supply of alcohol ran

from 07:00 to 23:30 on Monday to Friday and from 08:00 to 23:30 on Saturday and Sunday.

29. A programmed inspection of the premises took place on 5 January 2013 and the premises were found to be operating in compliance with its licence conditions.
30. On 31 July 2014 the council's trading standards service seized a total of 29 packs of counterfeit cigarettes. On 7 August 2014 an underage sale of alcohol took place at the premises. Bittu Singh Kapoor was interviewed under caution in respect of these incidents and stated that Balbir Singh Kapoor was no longer involved with the premises. Bittu Singh Kapoor was advised that, if this were the case, an application to vary the DPS named on the licence should be made.
31. On 8 August 2014 at 21.42, officers visited the premises as part of the council's night-time economy team. Officers met with a member of staff who gave his name as Bittu Singh Kapoor. Allegations had been received regarding the sales of alcohol to intoxicated persons. A warning letter was delivered and discussions were had around the issue.
32. On 21 September 2015, the council's trading standards service received a complaint about the premises from a member of the public (as detailed in the review report). The trading standards service visited the premises on 25 September 2015 and again found counterfeit and non-duty paid cigarettes behind the counter
33. Further visits on the late evenings of 25 and 26 September 2015 by the night time economy team found the premises closed.
34. On 28 September 2015, Balbir Singh Kapoor applied to the council to vary the DPS named upon the licence, changin the role from his own name to Amarjit Kapur. This application was approved. As stated, Mr Kapur is currently named on the licence as DPS.
35. The review application was received on 10 March 2016.
36. On 24 March 2016 an officer from the licensing team visited the premises to check the status of the premises licence holder. Aside from customers, the only person present was a shop assistant. The officer was told that the owner, Mr Singh, was at a cash and carry. Arrangements were made to meet at the premises later that same day. The officer returned, as arranged, and met with Mr Patel and Bittu Singh Kapoor. Bittu Singh Kapoor explained that he was the director of Quality Food Store Ltd, the company which owned the shop.
37. Bittu Singh Kapoor stated that he was running the shop and that he is the nephew of Balbir Singh Kapoor (the named premises licence holder). He further stated that Balbir Singh Kapoor was no longer running the shop. Bittu Singh Kapoor confirmed that Amarjit Singh Kapoor (who was not present) was the DPS and that he was the brother of Balbir Singh Kapoor. The officer explained the situation - that no transfer application had been received. Bittu Singh Kapoor expressed an interest to become the premises licence holder and suggested a meeting at the shop of himself, Balbir Singh Kapoor and Amarjit Singh Kapoor. The licensing service awaits arrangements for such a meeting to take place.
38. A check on Companies House records confirms what the officer was told. Quality Food Stores Limited, company no. 07782324, was incorporated on 21 September

2011. The sole officer of the company is shown as Bittu Singh Kapoor, who was appointed as a director on 21 September 2011. The company's registered address is 14, Pilgrimage Street, London SE1 4LL. The company's activities are shown as 'retail sale in non-specialised stores with food, beverages or tobacco predominating'.

### **The local area**

39. A map of the area is attached to this report as Appendix F. The premises are identified by a triangle at the centre of the map. For purposes of scale only the circle on the map has a 100 metre radius. There are no other licensed premises in the immediate area.

### **Southwark council statement of licensing policy**

40. The premises are not located within a cumulative impact policy area.
41. The premises are located within a residential area. Under the Southwark statement of licensing policy 2016 - 2020 the appropriate closing time for off-licences, grocers, supermarkets and similar is 2300 daily.
42. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and Scope of the Policy - this reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications.
  - Section 5 - Determining Applications for Premises Licences and Club Premises certificates - this explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 - Local Cumulative Impact Policies - this sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
  - Section 7 - Hours of Operation - this provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 - The Prevention of Crime and Disorder - this provides general guidance on the promotion of the first licensing objective.
  - Section 9 - Public Safety - this provides general guidance on the promotion of the second licensing objective.
  - Section 10 - The Prevention of Nuisance - this provides general guidance on the promotion of the third licensing objective.
  - Section 11 - The Protection of Children from Harm - this provides general guidance on the promotion of the fourth licensing objective.

43. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

#### **Resource implications**

44. There is no fee associated with this type of application.

#### **Consultation**

45. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

#### **Community impact statement**

46. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Director of Law and Democracy**

47. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
48. The principles, which sub-committee members must apply, are set out below.

#### **Principles for making the determination**

49. Under Section 52 of the Licensing Act 2003, the licensing authority must hold a hearing to determine the review and any relevant representations.
50. The four licensing objectives are:
- The prevention of crime and disorder
  - The protection of public safety
  - The prevention of nuisance
  - The protection of children from harm.
51. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
  - Exclude a licensable activity from the scope of the licence

- Remove the designated premises supervisor
  - Suspend the licence for a period not exceeding three months
  - Revoke the licence.
52. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
- Are relevant to one or more of the licensing objectives
  - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
  - Have not been withdrawn
  - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
53. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
54. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
55. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
56. It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

### **Reasons**

57. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
  - The applicant
  - Any person who made relevant representations
  - The chief officer of police for the area (or each police area) in which the premises are situated.

### **Hearing procedures**

58. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.

- The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority
    - If given permission by the committee, question any other party
    - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
  - The committee shall disregard any information given by a party which is not relevant:
    - To the particular application before the committee, and
    - The licensing objectives.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
59. This matter relates to the review of the premises licence under section 51 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

#### **Council's multiple roles and the role of the licensing sub-committee**

60. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
61. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
62. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.

63. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
64. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
65. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
66. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
67. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

### **Guidance**

68. Members are required to have regard to the DCMS guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

### **Strategic Director of Finance and Governance**

69. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

### **BACKGROUND DOCUMENTS**

<b>Background papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

**APPENDICES**

No.	Title
Appendix A	Review application
Appendix B	Representations from responsible authorities
Appendix C	The premises licence
Appendix D	Map of area

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment & Leisure	
<b>Report Author</b>	Dorcas Mills, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	13 April 2016	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	14 April 2016	

*[Insert details including name and address of licensing authority and application reference if any (optional)]*

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Bill Masini (On behalf of Trading Standards)

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Quality Food Store Ltd 14-16 Pilgrimage Street	
<b>Post town</b> London	<b>Post code (if known)</b> SE1 4LL

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
---

<b>Number of premises licence or club premises certificate (if known)</b> 849870
---

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Southwark Council – Trading Standards  Bill Masini Trading Standards Officer Community Safety & Enforcement 3 <sup>rd</sup> Floor Hub 2 PO Box 64529 London SE1P 5LX
Telephone number (if any) 0207 525 2629
E-mail address (optional) bill.masini@southwark.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review (please read guidance note 1)****Prevention of Crime and disorder –**

- Offer for sale “counterfeit” tobacco – (s 92(1)(c) Trade Marks Act 1994)
- Offer for sale “non duty paid” (smuggled) tobacco – s144 Licensing Act 2003
- Unauthorised licensable activity - Failure to ensure CCTV operated in accordance with condition 289 on premise licence – s136 Licensing Act 2003
- Unauthorised licensable activity - Failure to comply with condition 100 by supplying alcohol when there was no Designated Premises Supervisor – s136 Licensing Act
- Unauthorised licensable activity - Failure to comply with condition 293 on the premise licence – training in Challenge 25, record keeping of training
- Underage sale of alcohol – s146 Licensing Act
- Unauthorised licensable activity – Failure to operate a Challenge 25 policy
- Food on sale where the use by date had been exceeded – Food Labelling Regulations made under Food Safety Act

**Public Safety –**

- Failure to ensure CCTV operated in accordance with conditions on premise

licence

### **The protection of children from harm**

- Underage sale of alcohol
- Failure to operate an age verification scheme including Challenge 25
- Failure to train staff and keep records of any such training
- Failure maintain an up to date register of refused sales
- Failure to display signage at the alcohol display area and at the till to inform customers that a Challenge 25 policy was in place and that customers purchasing age restricted products should be prepared to show proof of age when buying alcohol.

On 21<sup>st</sup> September 2015 Trading Standards received a complaint about this premise from a member of the public. She complained that on Monday 14<sup>th</sup> September when she went to buy her usual brand of cigarettes (Sterling – usually priced at £6.990 she had been offered other cheap cigarettes. The man tried to persuade her to buy something else, saying words along the lines of “you know you can get European cigarettes for £6.00 a pack – I’ve got all the top brands – Marlboro, B&H and all the other brands”

The lady declined saying she didn’t want other brands and she just wanted her normal brand. She said that she’d had the others on holiday and they gave her a sore throat and were full of rubbish. The man countered this by saying, “No, no these are good ones. These are very good” and reached under the counter to show her them.

The complainant said he was “very pushy” saying, “Just try this one any time” and he gave her one single cigarette. She took it but said she disposed of it once she had left the shop.

Trading Standards carried out a visit to the shop on 25<sup>th</sup> September. Counterfeit and non duty paid Marlboro cigarettes were found behind the counter. Specifically, three packs of counterfeit (and thus no duty paid) Marlboro Red and one pack of non duty paid Marlboro Gold. The Marlboro Gold had been originally manufactured for the Polish market and was labelled in Polish for that market. Whilst this is accepted to be a small quantity, Trading Standards’ more recent experience indicates this is now the “norm”; shopkeepers know there is a high probability of an inspection and subsequent discovery. They therefore keep minimal quantities on the premise at any one time in the expectation they can later claim it is for their personal use and not for sale. Alternatively they believe such a small quantity will not result in a prosecution.

Mr. Bittu Singh Kapoor [hereafter referred to “BSK”], the sole director of Quality Food Store Ltd which holds the premise licence, later stated in interview under caution that the cigarettes were his and were for his personal use. On further questioning, he did go on to say that he did on occasion give these cheap cigarettes (and even whole packets) to customers though not for monetary gain.

This is not the first time a complaint from a member of the public has been made to Trading Standards about illegal tobacco being sold from this shop. As a result, some thirteen months earlier on 31<sup>st</sup> July 2014 Trading Standards seized a total of 29 packs of counterfeit cigarettes that were found behind the counter – 8 pkts B&H, 11

pkts Marlboro Red and 10 pkts Marlboro Gold. Illegal Guttka chewing tobacco was also found on that occasion. Again, under caution on 7 August 2014, BSK said these cigarettes were for his personal use.

In this interview about these illegal cigarettes and an underage sale of alcohol (see later) BSK was advised the Designated Premises Supervisor (Balbir Singh Kapoor) had to be replaced because BSK said he was no longer involved in the business. BSK was advised that until a new DPS was in place, sales of alcohol would breach condition 100 of the Premise Licence,

- No supply of alcohol may be made under the premise licence a) at the time when there is no Designated Premises Supervisor in respect of the premise....

At the time of the visit on 25 September 2015, the DPS had not been changed and it became clear from a telephone conversation with BSK, that Balbir Singh Kapoor did not play any role in the business and was indeed long term ill.

BSK was told again he could not serve alcohol until the issue of the DPS was sorted. Amarjit Kapoor Singh (an employee at the shop) was appointed as the DPS on 28 September. In a later interview under caution, BSK was unable to give any reason why this delay had occurred. It is of note that BSK did not hold a Personal Licence at this time.

It has been mentioned earlier that BSK was interviewed about an underage sale on 7 August 2014. He had sold a bottle of Blossom Hill Wine to a 15 year old female Trading Standards test purchaser on 31 July 2014 contrary to s146 of The Licensing Act. BSK and the company later accepted a "simple" caution for this offence.

The Premise Licence contains a number of conditions to assist in the prevention of underage sales of alcohol, namely 293, 325, 333, 334, 343 and 488. It is not clear to this applicant why there are apparent duplications and in the event the sub-committee does not revoke this licence, Trading Standards request clarification by removal of these conditions and replace them with conditions listed later in this review.

It is however, clear that the premise is required to operate a Challenge 25 policy whereby staff are required to be trained in Challenge 25, records of training to be kept and be available for inspection, and a register of refused sales to be maintained. At the time of the visit on 25 September 2015 no training records were available for

inspection. **Mr Amarjit Kapoor Singh** who was working in the shop and a Personal Licence holder, did not appear to know what the officer was talking about when he requested the training records. **Amarjit** said there were four people working in the shop. He eventually found a refused sales book; this being the one that had been given to BSK on 31<sup>st</sup> July 2014 following the underage sale. There were five entries in the book with the last one being on 16 August 2014, nine days after his interview about the underage sale and some thirteen months earlier. Trading Standards say this indicated it was not being used. Also on 31<sup>st</sup> July 2014 a blank training record document suitable for completion by the business had been supplied together with an "Agecheck" pack.

A Challenge 25 test purchase was carried out on 6 December 2014 for both cigarettes and alcohol. **BSK** sold both items to the 19 year old female test purchaser without asking her for any identification. Condition 334 of the premise licence states "The premises shall operate a Challenge 25 policy whereby customers purchasing alcohol who look under 25 years of age will be asked for proof to validate their age. Proof of age shall include a driving licence, passport or PASS accredited card".

The Premise Licence has two conditions on it relating to the CCTV.

Condition 288 states "that the CCTV system installed upon the premises shall be maintained in good working condition and be operable at all times".

Condition 289 states "that recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of 28 days"

It is understood in late 2014 a new CCTV system was installed in the shop soon after a fatal stabbing that had taken place outside the shop. Fully operational CCTV clearly plays a vital part in the prevention and detection of crime.

At the time of the Trading Standards' inspection on 25 September 2015, the officer asked about the CCTV. **Mr Amarjit Singh Kapoor** – the only person working in the shop at the time, said he did not have access to the CCTV and did not know how to operate it. During the telephone conversation the officer had with **BSK, BSK** too said he did not know how to operate it. The officer formally requested CCTV footage for the previous 14 days in order to corroborate the complainant's claim about the premise selling illegal tobacco. The officer also explained to **BSK** that if any act was done to destroy that footage it could constitute a serious offence of perverting the course of justice.

Sometime later **BSK** contacted the Trading Standards Officer to say the CCTV footage was only retaining 11 days of CCTV footage.

On 8 October a further visit was made to the shop with a Police Licensing Officer in order to collect the CCTV footage. Initially only a man called "Ali" was working there but BSK soon arrived to inform the officers that the CCTV had broken down and that the hard drive had been replaced two days earlier on 6<sup>th</sup> October. Domar Solutions Ltd, the repair company, confirmed they had replaced the hard drive. Following a formal request to them the old hard drive was produced and sent to a computer forensics analyst. He was unable to recover any CCTV footage.

Trading Standards made a further visit to the shop on 15 December 2015. CCTV footage was only available from 00.00 hours on 6<sup>th</sup> December 2015; 9 days- once again in breach of condition 289 of the Premise Licence.

Training records were still unavailable and the new DPS, Amarjit Singh Kapoor, said he was not aware of any; this being something he should reasonably have ensured was carried out. Trading Standards say that he was put up as the new Designated Premises Supervisor in late September 2015 simply because he was the only person working in the shop who held a Personal Licence but has either not appreciated his responsibilities or not bothered to take any steps to familiarise himself with the licence and to ensure the conditions are adhered to.

Whilst carrying out a visit that day, fresh food for sale was inspected.

Food for sale is required to have either a "best before" date or a "use by" date. Foods with a best before date can still be sold beyond the stated date but the food must not be injurious to health. However it is a criminal offence to offer for sale food where a use by date has been exceeded. Foods which "from the microbiological point of view are highly perishable and therefore likely after a short period to constitute an immediate danger to human health" are required to be marked with a use by date and not a best before date. Typical foods are dairy ones such as milk cream and fresh poultry, and foods intended for consumption either without cooking or after treatment (such as reheating) where it is unlikely to be sufficient to destroy food poisoning organisms which may be present (ham, salami and similar).

Examination of food in the fridge disclosed the following items for sale beyond their use by date.

- 5 packs of Frankfurters where the use by date was 8<sup>th</sup> December – 7 days past the use by date
- 1 pack of "Grab & Go Indian Selection" where the use by date was 10<sup>th</sup> December – 5 days past the use by date
- 1 pack of "Grab & Go vegetable Samosa where the use by date was 14<sup>th</sup>

December – 1 day past the use by date

On 16 December 2015, **BSK** accepted a simple caution both as an individual and as the sole director, on behalf of the company for offences under The Trade Marks Act for the counterfeit cigarettes, and for carrying on a licensable activities otherwise than under and in accordance with authorisations, namely breaches of conditions 289 and 293 of the Premise Licence.

In summary, Trading Standards express their concerns that the business has been selling illegal "cheap" counterfeit cigarettes. Quite apart from evading duty and giving the business a commercial advantage over its competitors, such products undermine Government's health strategy in reducing smoking because price is a major influence in consumer behaviour. It is universally accepted all tobacco is seriously harmful to health but counterfeit cigarettes are completely unregulated and likely to compound this harm. Such illegal tobacco continues to adversely impact on the poor in society and accentuate inequalities between the poor and the rich. Illegal tobacco is a problem in Southwark and throughout the country. Experience in dealing with this problem shows these outlets only ever have small quantities available for sale at any one time for the reasons given earlier in this application.

CCTV has an important role to play to prevent and detect crime. When challenged on the CCTV for this premise, no one working in the shop claimed to be able to operate it, nor did it appear to be working correctly or able to maintain it in accordance with the conditions on the licence. A casual approach appeared to be taken which is even more concerning when there had been a murder outside the premise in the recent past.

Again, in relation to the operation to the licence with regard to the requirements to have a Designated Premises Supervisor in place and to take steps to prevent underage sales, a casual couldn't care less approach appears to have been adopted. **Bittu Singh Kapoor**, the sole director of the company holding the Premise Licence made a sale on 31<sup>st</sup> July 2014, was given all the guidance and paperwork to allow it to comply with its licence conditions such as training and refused sales register. The register has not been used from a mere 9 days after a formal interview and no training and records maintained. Challenge 25 is an important part of preventing underage sales and yet four months after the sale in 2014 and its associated dealings, he still failed to adopt this by selling age restricted products to a young looking 19 year old without asking any questions.

The sub-committee is invited to consider all options open to it including revocation. In

the event the licence is not revoked Trading Standards, as previously stated would like to see conditions 293, 325, 333, 334, 343 and 488 removed. It would also like to see conditions 289 and 293 removed.

In their place Trading Standards would like the following conditions to be added to the licence:

- 1. Condition 4AA The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.
- 2. Condition 4AB. All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.
- 3. Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required
- 4. Condition 4AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, The Designated Premises Supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police
- 5. That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.

- 6. There shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales
- 7. No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises
- 8. That an approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a minimum of 31 days recording facility and will be maintained in full working order at all times and be continually recording at all times the premise is in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premise. All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to The Police and/or Authorised Officers from Southwark Council
- 9. All staff working at the premise shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate request by Police and/or Authorised Officers from Southwark Council
- 10 Amend condition 101 to read: "Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence. That authorisation must also be in writing and displayed on the premise adjacent to the display of the Licence Summary where the Police or the Council's authorised officers can inspect it.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

**If you have made representations before relating to this premises please state what they were and when you made them**

[Empty response box for representations]

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

8 March 2016

Capacity Trading Standards officer acting on behalf of Southwark Council

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

#### Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



The Licensing Unit  
Floor 3  
160 Tooley Street  
London  
SE1 2QH

**Metropolitan Police Service**  
**Licensing Office**  
Southwark Police Station,  
323 Borough High Street,  
LONDON,  
SE1 1JL

Tel: 020 7232 6756  
Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21/27 /15

**Date:** 7th April 2016

**Re:- Quality Food Store, 14-16 Pilgrimage Street, London, SE1 4LL**

Dear Sir/Madam

Police are in possession of an application from the Southwark's Trading Standards Service for a review of the above premises licence under Section 51 of the licensing act 2003.

Police have the following comments to make:

The application details a number of incidents that give me cause for concern in relation to the premises and their dedication to promoting the licensing objectives.

The trading standards have found fault with the operation of the premises, and they appear to have continued with the unsatisfactory operation and have continued to commit offences under trading standards and licensing legislation.

In October 2014 an incident occurred outside the premises and a male received fatal injuries as a result of being stabbed. It is unknown if the CCTV was operating at this time as the documents relating to this incident available to the licensing unit do not specify. However from the review application a new CCTV system was installed after this incident indicating that previous to this no system was installed or the previous one was not operational. Further evidence supplied within the review application by trading standards clearly indicate that the premises had been visited in 2015 and the CCTV was requested and the a number of excuses were not able to produce the CCTV and during a visit on the 15th December 2015 only 9 days on footage was available in breach of the licence.

On the 27th December 2015 a customer was assaulted within the store by a male who had been talking to staff just prior to the incident. During the investigation the CCTV was requested by Police and the investigating officer was informed that it was not working and no CCTV was available. This caused the investigation to be closed as no further evidence was available or leads as to who the suspect was.

If the CCTV had been working an image of the suspect could have been obtained and may have resulted in the arrest and prosecution of a violent individual.

The Police fully support the application for review and would also recommend that the consideration be given to all options including the revocation of the premises licence due to continual breach of the licence. We would support as a minimum the conditions set out within the Review application.

The Following is submitted for your consideration,  
Yours Sincerely

**PC Graham White 288MD**  
Southwark Police Licensing Unit  
Tel: 0207 232 6756

# MEMO: Licensing Unit

---

**To** Licensing **Date** 07 April 2016

**Copies**

**From** David Franklin **Telephone** 020 7525 5800

**Email** [david.franklin@southwark.gov.uk](mailto:david.franklin@southwark.gov.uk)

---

**Subject** **Quality Food Store, 14-16 Pilrimage Street, London, SE1 4LL**

I make this representation with regards to the review application of the premises licence submitted by the Trading Standards for Quality Food Store, 14-16 Pilrimage Street, London, SE1 4LL.

My representation is based on the licensing objectives for the prevention of crime and disorder, prevention of public nuisance and the protection of children form harm.

The premises licence has very few conditions within the operating schedule for the control of the sale of alcohol to children, drunk persons and street drinkers who may become drunk after consuming alcohol purchased at the premises and cause crime and disorder or public nuisance in the street.

On 08 August 2014 officers visited the premises and delivered warning letter for allegedly making sales of alcohol to intoxicated persons and also to provide advice, the licensee was not at the premises at that time. Bittu Kapoor was in charge of the premises and the warning was handed to him which he read and advice given.

I would support the Trading Standards in their review and, should members be minded to allow the premises licence to continue, recommend the conditions offered and an additional condition that;

“All off sales of alcohol shall be supplied in closed containers”

Additionally I would advise that conditions in Annex 1 of the premises licence are mandatory conditions and therefore cannot be removed, replaced or adjusted and conditions 101 and 488 should remain on the premises licence. However the additional conditions put forward by Trading Standards can be imposed within Annex 3 of the premises licence.

David Franklin  
Licensing Authority as a Responsible Authority

# Licensing Act 2003 Premises Licence

75

Environmental Health & Trading Standards  
Licensing Unit  
Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

Premises licence number

849870

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
QUALITY FOOD STORE 14-16 Pilgrimage Street London SE1 4LL	
Ordnance survey map reference (if applicable), 179653532720	
<b>Post town</b> London	<b>Post code</b> SE1 4LL
<b>Telephone number</b> 020 7407 2029	

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

Sale by retail of alcohol to be consumed off premises

**The opening hours of the premises**

For any non standard timings see **Annex 2**

Monday	07:00 - 23:30
Tuesday	07:00 - 23:30
Wednesday	07:00 - 23:30
Thursday	07:00 - 23:30
Friday	07:00 - 23:30
Saturday	08:00 - 23:30
Sunday	08:00 - 23:30

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

Sale by retail of alcohol to be consumed off premises

**The times the licence authorises the carrying out of licensable activities**

For any non standard timings see Annex 2 of the full premises licence

**Sale by retail of alcohol to be consumed off premises**

Monday	07:00 - 23:30
Tuesday	07:00 - 23:30
Wednesday	07:00 - 23:30
Thursday	07:00 - 23:30
Friday	07:00 - 23:30
Saturday	08:00 - 23:30
Sunday	08:00 - 23:30

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Balbir Singh Kapoor



**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Amarjit Kapur



**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence No. HO3153  
Authority LB Hounslow

Licence Issue date 28/09/2015



Anti-Social Behaviour, Noise Nuisance &  
Licensing Manager  
Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
licensing@southwark.gov.uk

## Annex 1 - Mandatory conditions

**100** No supply of alcohol may be made under the Premises Licence -

- a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

**101** Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

**488** (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

**491** 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

- (a) "duty" is to be construed in accordance with the Alcoholic Liquour Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually

given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Annex 2 - Conditions consistent with the operating Schedule**

**288** That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times.

**289** That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of twenty-eight days.

**293** All staff involved in the sale of alcohol shall be trained in the "Challenge 25" policy and a record of training, including the dates that each member of staff is trained, shall be kept and produced on request by the Council authorised officers or the Police.

**311** That notices will be displayed advising customers to leave quietly.

**316** Delivery and removal of goods, equipment and waste shall not take place between the hours of 12 midnight and 7 am.

**325** That after children under 16 shall not be admitted in any area where alcohol is sold and consumed.

**333** That an age identification scheme shall be established and maintained. The scheme shall require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol.

**334** The premises shall operate a "Challenge 25" policy whereby customers purchasing alcohol who look under 25 years of age will be asked for proof to validate their age. Proof of age shall include a driving licence, passport or PASS accredited card.

**340** Alcohol shall not be sold in open containers.

**341** Appropriate fire exit signage shall be maintained.

**342** Fire alarms installed on the premises shall be maintained in good working order.

**343** Signs shall be displayed at the alcohol display area and at the till to inform customers that a "Challenge 25" policy is in place and customers purchasing age restricted products should be prepared to show their proof of age when buying alcohol. A register of refused sales of alcohol shall be maintained.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

**Annex 4 - Plans - Attached**

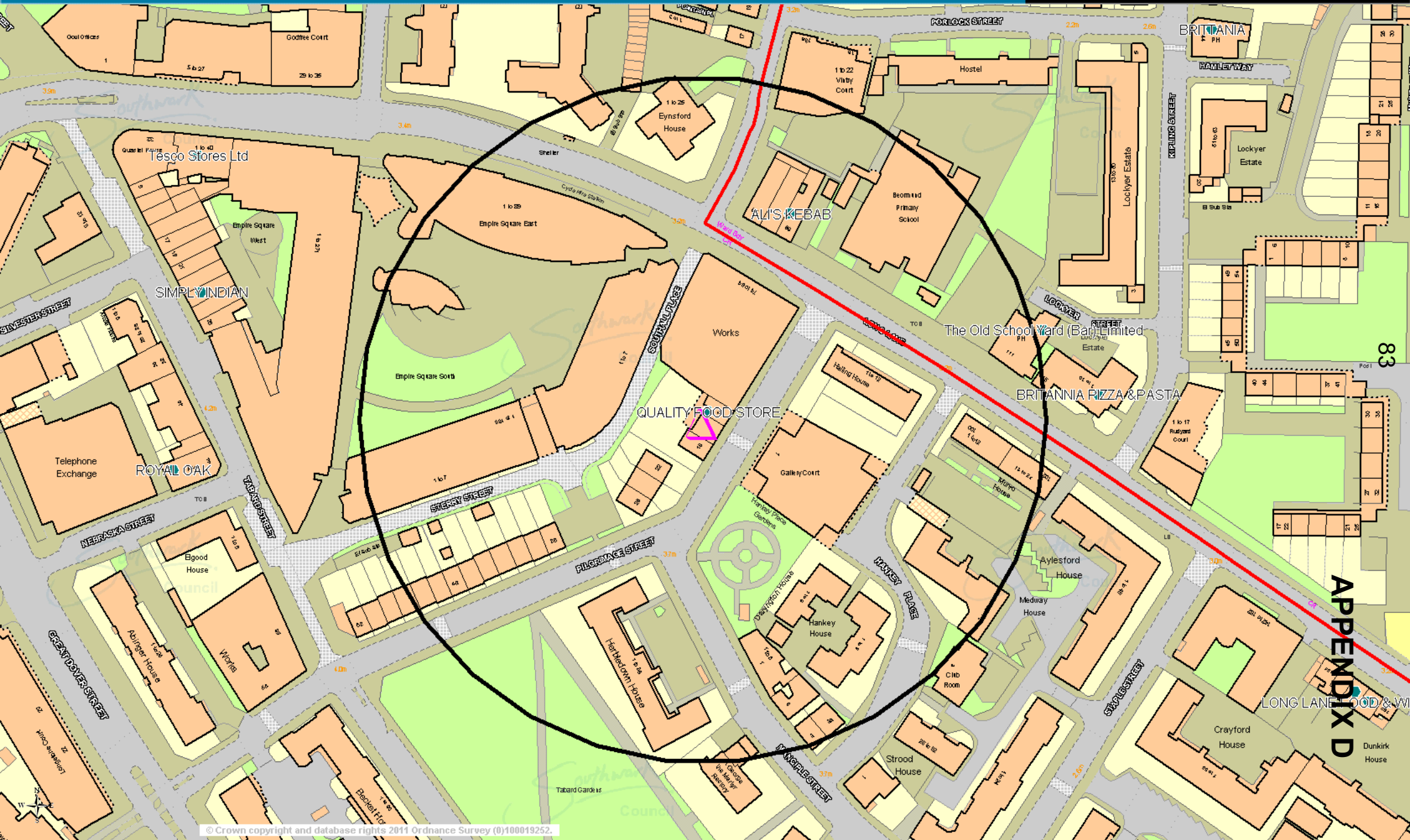
Licence No. 849870

Plan No. 42/95

Plan Date 16 October 1995

# Quality Food Store 14-16 Pilgrimage Street

Date 13/4/2016



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APPENDIX D

LONG LANE FOOD & WINE

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